

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROSEMARY GARITY,
Plaintiff,

vs.

APWU-AFL-CIO,
APWU LOCAL #7156,
Defendant.

Case No. 2:11-cv-01109-PMP-CWH

ORDER

This matter is before the Court on Plaintiff's Motion to Compel (#100), filed October 23, 2012.

Plaintiff seeks an order compelling non-party Danielle Bennett to comply with a Rule 45 subpoena. When a non-party subpoena recipient serves objections or fails to respond to a Rule 45 subpoena, the party serving the subpoena may file a motion to compel compliance. The moving party must provide notice of the motion to the person subject to the subpoena. *See* Fed. R. Civ. P. 45(c)(2)(B)(i). The Court has reviewed the motion and finds that Plaintiff did not give the individual subject to the subpoena appropriate notice of the this motion to compel. It appears that Plaintiff simply mailed a copy of the motion to a United States Postal facility located in Boulder City, Nevada. There is no indication that the individual subject to the subpoena resides or is otherwise located at this facility. Moreover, Plaintiff did not "set forth in full the text of the discovery originally sought" as required by Local Rule 26-7(a). Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Plaintiff's Motion to Compel (#100) is **denied**

DATED this 14th day of November, 2012.



C.W. Hoffman, Jr.
United States Magistrate Judge